

#21-Morse Orders and Decrees

restraining orders and orders to show cause, which said restraining orders restrained and enjoined the said city and canal and irrigation companies, from preventing four-sixths of the waters of the Jordan River from flowing continuously and uninterruptedly down said river, and thereafter, on or about the 17th day of November 1900, the said receiver, by his attorneys, without the consent or knowledge of said city and canal and irrigation companies, or their attorneys, upon motion, procured said restraining orders to be vacated and set aside, which was done by the court.

AS CONCLUSIONS OF LAW.

from the foregoing facts, the Court finds:

FIRST.

That the intervenors mentioned in the first Finding of Facts, are entitled to a decree awarding them the use during the irrigation season in each year for the purpose of irrigating their lands, amounting to 350 acres, of 5 cu. ft. of water per sec. of time, and quieting their title thereto, such water to be taken thru the Bennion and Bennion mill race, and to be measured at the point of diversion from said race; and that Hyrum Bennion, and Samuel R. Bennion, partners as Bennion and Bennion, are entitled to a decree awarding to them the use of 40 cu. ft. of water per sec. for the operation of their mill race, and quieting their title thereto, such water to be measured at the entrance to the pen stock of said mill.

SECOND.

That the defendant, the West Jordan Milling & Manufacturing Co., its successors and assigns, is entitled to, and is the owner of the right to use 30 cu. ft. of water per sec. of time, by virtue of its appropriation as set forth in the findings of fact herein, subject only to the limitations prescribed by law, and hereinbefore set forth, the said water to be measured at the entrance to its pen stock.

That the defendant, Utah Mattress & Manufacturing Co., and its successors and assigns, is entitled to, and is the owner of the right to use 11 cu. ft. of water per sec. of time, by virtue of its appropriation, as set forth in findings of fact herein, subject only to the limitations prescribed by law, and herein set forth, the said water to be measured at the entrance to its pen stock.